

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

JUL 12 REC'D

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-092

AN ORDER to create chapter Phar 16, relating to the approval of continuing education courses for pharmacists.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

06-01-99 RECEIVED BY LEGISLATIVE COUNCIL.

06-29-99 REPORT SENT TO AGENCY.

RNS:LR:jal;wu

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached

YES ☐

NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES ☐

NO ☒

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES ☐

NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached

YES ☐

NO ☒

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES ☒

NO ☐

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES ☐

NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

YES ☐

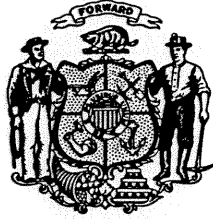
NO ☒

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CLEARINGHOUSE RULE 99-092

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In s. Phar 16.02 (1), the phrase " , in each second year" in the first sentence should be deleted. This phrase is not necessary to convey the meaning that a person must certify completion of continuing education programs at the time of licensure renewal.
- b. Section Phar 16.03 refers to "other board approved programs." The rule should clarify how a person may ascertain what those programs are.
- c. Separating s. Phar 16.04 into two sentences would greatly improve its clarity.
- d. Section Phar 16.05 should be rephrased in the active voice. The section should begin "The pharmacist shall retain evidence of compliance"

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PHARMACY EXAMINING BOARD
PHARMACY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 99-)

PROPOSED ORDER

An order of the Pharmacy Examining Board to *create* chapter Phar 16, relating to the approval of continuing education courses for pharmacists.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.,
and s. 450.02 (2g) (a), Stats., as created by 1997 Wisconsin Act 68.

Statutes interpreted: s. 450.085 (1), Stats.

This proposed rule-making order of the Pharmacy Examining Board creates rules to implement the continuing education requirements for pharmacists to biennially renew their licenses, beginning on June 1, 2000. This continuing education requirement of pharmacists as a condition for license renewal was created by 1997 Wisconsin Act 68.

The rules provide that beginning with the June 1, 2000 renewal deadline, licensees shall be required to "certify" on their renewal applications that they have obtained the statutorily required 30 hours of continuing education during the previous biennium. The continuing education must consist of educational programs approved by the American Council on Pharmaceutical Education ("ACPE"), or other programs that may be approved by the board itself.

The rules provide that pharmacists must retain evidence from the educational program providers of ACPE of attendance and completion of continuing education programs for a period of 5 years following the renewal date for the biennium in which the education was required. For example, as set forth in a note to the rules, a pharmacist who renews his or her license on June 1, 2000, must retain proof of having obtained 30 hours of continuing education in the 2 years preceding renewal until June 1, 2005.

The continuing education requirement has 2 primary exceptions. First, it does not apply to an applicant for renewal of a license that expires on the first renewal date after the date on which the board originally granted the license. Second, it will not apply to individuals who have applied for and received waivers of the requirements from the board for reasons such as prolonged illness, disability, or other similar circumstances.

TEXT OF RULE

SECTION 1. Chapter Phar 16 is created to read:

CHAPTER PHAR 16

CONTINUING EDUCATION FOR PHARMACISTS

Phar 16.01 Authority and purpose. The rules in this chapter are adopted by the pharmacy examining board pursuant to the authority delegated by ss. 15.08 (5) (b), 227.11 (2) and 450.02 (2g) (a), Stats.

of a continuing education?

Phar 16.02 Continuing education required; waiver. (1) Each pharmacist required to complete the continuing education requirement provided under s. 450.085, Stats., shall, in each second year at the time of making application for renewal of a license under s. 450.08 (2) (a), Stats., sign a statement on the application for renewal certifying that the pharmacist has completed at least 30 hours of acceptable continuing education programs within the 2-year period immediately preceding the date of his or her application for renewal. The 30 hours of continuing education for pharmacists first applies to applications that are submitted to the department to renew a license to practice pharmacy that expires on June 1, 2000. This subsection does not apply to an application for renewal of a license that expires on the first renewal date after the date on which the board initially granted the license. (5)

(2) A pharmacist may apply to the board for waiver of the requirements of this chapter on grounds of exceptional circumstances such as prolonged illness, disability or other similar circumstances that the pharmacist indicates have prevented him or her from meeting the requirements. The board will consider each application for waiver individually on its merits.

Phar 16.03 Acceptable continuing educational programs. The board recognizes only those educational programs approved at the time of the pharmacist's attendance by the American council on pharmaceutical education, or other board approved programs. (5)

Phar 16.04 Evidence of compliance. The board will accept as evidence of compliance by pharmacists with the requirements of this chapter, certification by either original documents or verified copies thereof, by either the providing institution or organization or the American council on pharmaceutical education, or components thereof, of attendance at and completion of continuing education programs approved under the provisions of s. Phar 16.03. (5)

Phar 16.05 Retention requirement. Evidence of compliance shall be retained by each pharmacist for 5 years following the renewal date for the biennium for which 30 hours of credit are required for renewal of a license. (5)

Note: For example, a pharmacist who renews his or her license on June 1, 2000, must retain proof of having obtained 30 hours of continuing education in the 2 years preceding renewal until June 1, 2005.

Phar 16.06 Audit. The board may require any pharmacist to submit his or her evidence of compliance with the continuing education requirements to audit compliance.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Pharmacy Examining Board

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$15,000. These rules would increase agency costs due to printing and postage costs for mailings for approximately 6,000 pharmacists. A copy of the rules and a cover letter would need to be mailed and this mailing would be approximately \$15,000. The cost to print and mail each rule is estimated at \$2.50 multiplied by 6,000 pharmacists.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\phar11.doc
6/1/99

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

AUG 09 1999

AUG 09 REC'D

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PHARMACY EXAMINING BOARD
PHARMACY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 99-092)

TO: Senator Judy Robson, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the PHARMACY EXAMINING BOARD is submitting in final draft form proposed rules relating to continuing educational programs offered by a provider approved by the American Council on Pharmaceutical Education at the time of the pharmacist's attendance, or other board approved programs.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.



Tommy G. Thompson
Governor

State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Marlene A. Cummings
Secretary

1400 E. WASHINGTON AVENUE
P. O. BOX 8935
MADISON, WISCONSIN 53708-8935
E-Mail: dorl@mail.state.wi.us
(608) 266-2112
FAX#: (608) 267-0644

Administrative Rules in Final Draft Form

Pharmacy Examining Board

Rule: Chapter Phar 16

Relating to: Continuing Education Courses

Clearinghouse Rule: No. 99-092

Regulatory Boards

Accounting; Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors; Professional Geologists, Hydrologists and Soil Scientists; Auctioneer; Barbering and Cosmetology; Chiropractic; Controlled Substances; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Podiatry; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors; and Veterinary.

Committed to Equal Opportunity in Employment and Licensing

**STATE OF WISCONSIN
PHARMACY EXAMINING BOARD**

IN THE MATTER OF RULE-MAKING :	REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE :	ON CLEARINGHOUSE 99-092
PHARMACY EXAMINING BOARD :	(s. 227.19 (3), Stats.)

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

A copy of the fiscal estimate is attached.

IV. STATEMENT EXPLAINING NEED:

This proposed rule-making order of the Pharmacy Examining Board creates rules to implement the continuing education courses for pharmacists to biennially renew their licenses, beginning on June 1, 2000. This continuing education requirement of pharmacists as a condition for license renewal was created by 1997 Wisconsin Act 68. Beginning with the June 1, 2000 renewal deadline, licensees shall be required to "certify" on their renewal applications that they have obtained the statutorily required 30 hours of continuing education during the previous biennium.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on July 13, 1999.

Susan Kleppin, R.Ph., Pharmacy Society of Wisconsin, Director of Educational Affairs, Madison, appeared at the public hearing and also submitted written comments.

Written comments were also received from Donald H. Bartig, R.Ph., Ladysmith, Wisconsin and Gary C. Speich, R.Ph., Augusta, Wisconsin.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 5.b. Section Phar 16.03 refers to "other board approved programs." The rule should clarify how a person may ascertain what those programs are.

Response: The board created a note following s. Phar 16.03 indicating how to get a list of board approved programs.

The remaining recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

**FISCAL
ESTIMATE**☒ ORIGINAL☐ UPDATE☐ CORRECTED**Rule No. PHAR 16****Subject: Continuing education courses for pharmacists.****Fiscal Effect**State: ☐ No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

☒ Increase Existing
Appropriation☐ Increase Existing Revenues☒ Increase Costs - May be possible to absorb☐ Decrease Existing
Appropriation☐ Decrease Existing Revenueswithin agency's budget ☐ Yes ☒ No☐ Create New Appropriation☐ Decrease CostsLocal: ☒ No local government costs1. ☐ Increase Costs☐ Permissive ☐ Mandatory3. ☐ Increase Revenue☐ Permissive ☐ Mandatory

5. Types of local government units affected:

☐ Towns ☐ Villages ☐ Cities2. ☐ Decrease Costs☐ Permissive ☐ Mandatory3. ☐ Decrease Revenue☐ Permissive ☐ Mandatory☐ Counties☐ Others _____☐ School Districts☐ WTCS Districts**Fund Sources Affected**☐ GPR ☐ FED ☒ PRO ☐ PRS☐ SEG-S**Affected Ch. 20 Appropriations**

20.165 (1) (g)

Assumptions Used in Arriving at Fiscal Estimate

These rules would increase agency costs due to printing and postage costs for mailings for approximately 6,000 pharmacists. A copy of the rules and a cover letter would need to be mailed and the associated with this mailing would be approximately \$15,000. This cost to print and mail each rule is estimated at \$2.50 multiplied by 6,000.

Long-Range Fiscal Implications

The fiscal estimate shall include the major assumptions used in its preparation and a reliable estimate of the fiscal impact of the proposed rule, including:

1. The anticipated effect on county, city, village, town, school district, technical college district and sewerage district fiscal liabilities and revenues.

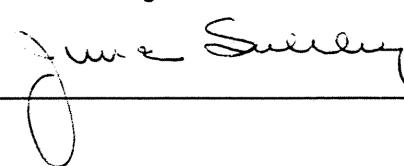
2. A projection of the anticipated state fiscal effect during the current biennium and a projection of the net annualized fiscal impact on state funds.

If a proposed rule interpreting or implementing a statute has no independent fiscal effect, the fiscal estimate prepared under this subsection shall be based on the fiscal effect of the statute.

Agency/Prepared by:

Department of Regulation and Licensing
Gail M. Riedasch
(608) 266-0746

Authorized Signature



Date

5/28/99

FISCAL ESTIMATE WORKSHEET

Detailed Estimate of Annual Fiscal Effect

☒ ORIGINAL☐ UPDATE☐ CORRECTED☐ SUPPLEMENTAL**Rule No.**

PHAR 16

Subject**Continuing education courses for pharmacists.****I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$	\$ -
(FTE Position Changes)		(FTE)	(- FTE)
State Operations - Other Costs		15,000	-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category		\$ 15,000	\$ -
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$	\$ -
FED			-
PRO/PRS		15,000	-
SEG/SEG-S			-
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		Increased Costs	Decreased Costs
GPR Taxes		\$	\$ -
GPR Earned			
FED			-
PRO/PRS			
SEG/SEG-S			-
TOTAL State Revenues		\$	\$

NET ANNUALIZED FISCAL IMPACTSTATELOCAL

NET CHANGE IN COSTS \$ 15,000

NET CHANGE IN REVENUES \$ 0

Agency/Prepared by:

Department of Regulation and Licensing

Gail M. Riedasch

(608) 266-0746

Authorized Signature

Date

5/28/99

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	PHARMACY EXAMINING BOARD
PHARMACY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 99-092)

PROPOSED ORDER

An order of the Pharmacy Examining Board to *create* chapter Phar 16, relating to continuing education programs offered by a provider approved by the American Council on Pharmaceutical Education at the time of the pharmacist's attendance, or other board approved programs.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.,
and s. 450.02 (2g) (a), Stats., as created by 1997 Wisconsin Act 68.

Statutes interpreted: s. 450.085 (1), Stats.

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The rules provide that beginning with the June 1, 2000 renewal deadline, licensees shall be required to "certify" on their renewal applications that they have obtained the statutorily required 30 hours of continuing education during the previous biennium. The continuing education must consist of educational programs offered by a provider approved by the American Council on Pharmaceutical Education at the time of the pharmacist's attendance, or other board approved programs.

The rules provide that pharmacists must maintain evidence of compliance for 3 years following the renewal date for the biennium for which 30 hours of credit are required for renewal of a license. For example, as set forth in a note to the rules, a pharmacist who renews his or her license on June 1, 2000, must retain proof of having obtained 30 hours of continuing education in the 2 years preceding renewal until June 1, 2003.

The continuing education requirement has 2 primary exceptions. First, it does not apply to an applicant for renewal of a license that expires on the first renewal date after the date on which the board originally granted the license. Second, it will not apply to individuals who have applied for and received waivers of the requirements from the board for reasons such as prolonged illness, disability, or other similar circumstances.

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Phar 16.02 Continuing education required; waiver. (1) Each pharmacist required to complete the continuing education requirement provided under s. 450.085, Stats., shall, at the time of making application for renewal of a license under s. 450.08 (2) (a), Stats., sign a statement on the application for renewal certifying that the pharmacist has completed at least 30 hours of acceptable continuing education programs within the 2-year period immediately preceding the date of his or her application for renewal. The 30 hours of continuing education for pharmacists first applies to applications that are submitted to the department to renew a license to practice pharmacy that expires on June 1, 2000. This subsection does not apply to an application for renewal of a license that expires on the first renewal date after the date on which the board initially granted the license.

(2) A pharmacist may apply to the board for waiver of the requirements of this chapter on grounds of exceptional circumstances such as prolonged illness, disability or other similar circumstances that the pharmacist indicates have prevented him or her from meeting the requirements. The board will consider each application for waiver individually on its merits.

Phar 16.03 Acceptable continuing educational programs. The board recognizes only those educational programs offered by a provider approved by the American council on pharmaceutical education at the time of the pharmacist's attendance, or other board approved programs.

Note: A list of board approved programs is available from the Department of Regulation and Licensing, Bureau of Health Professions, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708. As of August 9, 1999, the board has not approved any programs other than programs offered by a provider approved by the American Council on Pharmaceutical Education.

Phar 16.04 Evidence of compliance. The board accepts as evidence of compliance with this chapter certification by a providing institution or organization that a pharmacist has attended and completed continuing education programs approved under the provisions of s. Phar 16.03. Certification may be the original, or verified copies of, documents certifying attendance and completion.

Phar 16.05 Retention requirement. The pharmacist shall retain evidence of compliance for 3 years following the renewal date for the biennium for which 30 hours of credit are required for renewal of a license.

Note: For example, a pharmacist who renews his or her license on June 1, 2000, must retain proof of having obtained 30 hours of continuing education in the 2 years preceding renewal until June 1, 2003.

Phar 16.06 Audit. The board may require any pharmacist to submit his or her evidence of compliance with the continuing education requirements to audit compliance.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Chairperson
Pharmacy Examining Board

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$15,000. These rules would increase agency costs due to printing and postage costs for mailings for approximately 6,000 pharmacists. A copy of the rules and a cover letter would need to be mailed and this mailing would be approximately \$15,000. The cost to print and mail each rule is estimated at \$2.50 multiplied by 6,000 pharmacists.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

8/9/99